UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,757	06/29/2001	Jason Benfield	AUS920010289US1	6912

7590 09/23/2004	**EXAMINER**
Joseph R. Burwell	PATEL, DHAIRYA A
Law Office of Joseph R. Burwell	

ART UNIT	PAPER NUMBER
2151	

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DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/895,757	BENFIELD ET AL.
	Examiner	Art Unit	
	Dhairya A Patel	2151	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 June 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/29/2001</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1. Application Number 09/895,757 was filed on 06/29/2001. Claims 1-24 are

subject to examination.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly

indicative of the invention to which the claims are directed.

The following title is suggested: "NETWORK MANAGEMENT WITH TOPOLOGICAL

SYSTEM PROVIDING HISTORICAL VIEWS".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3. Claims 2,3,4 rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

In the claims mentioned above, the applicant is stating, "topology state identifier".

It is unclear to the examiner as to meaning of "topology state identifier". In specification,

the applicant does not describe the meaning of "topology state identifier".

In the claims mentioned above, the applicant is stating, "network action state

identifier". It is unclear to the examiner as to meaning of "network action state

identifier". In specification, the applicant does not describe the meaning of "network

action state identifier".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public
use or on sale in this country, more than one year prior to the date of application for patent in the United
States.

4. Claims 1-24 rejected under 35 U.S.C. 102(b) as being unpatentable by Chao et

al. U.S. Patent # 5,964,837 (hereinafter Chao)

5. As per claim 1, Chao teaches a method for management of a distributed data

processing system, the method comprising:

-monitoring resources (column 4 line11) within the distributed data processing

system;(column 4 lines 7-15).

-in response to detecting a predetermined event, recording topology information

associated with the resources(column 6 lines 55-61); and

-in response to a user request to view historical topology information associated

with a specified period of time or associated with a specified point in time(column 7 lines

64-66), displaying a topology map representing topological information for the resources

in accordance with a specified temporal constraint (column 5 lines 46-50) (column 7

lines 64-66).

6. As per claim 2, Chao teaches a method of claim 1 further comprising:

-representing resources within the distributed data processing system with

topological objects (column 5 lines 21-31);

-associating a topology state identifier with a change in topological states

(column 5 lines 31-40);

-determining a set of topological objects (column 3 lines 40-41) associated with a

topology of resources (column 3 lines 29-32) within the distributed data processing

system prior to the detected predetermined event (column 3 lines 38-43); and

-storing the set of topological objects in association with the topology state

identifier (column 5 lines 40-45).

7. As per claim 3, Chao teaches a method of claim 2 further comprising:

-receiving a user request to view a topology map associated with the topology

state identifier (column 5 lines 46-53); and

-displaying a topology map representing the set of topological objects that were

associated with the topology state identifier (column 5 lines 46-53).

8. As per claim 4, Chao teaches a method of claim 2 further comprising:

-receiving a user request to perform a network management action on a resource

within the distributed data processing system through a graphical user interface that

presents the resource as a graphical object (column 6 lines 35-43); and

-recording the network action in association with a network action state identifier

(column 8 lines 4-14).

9. As per claim 5, Chao teaches a method of claim 4 further comprising:

-receiving a user request to view a history of network actions on a resource

within the distributed data processing system (column 7 lines 64-66); and

-displaying a historical list of network actions for the resource within the graphical

user interface (column 7 lines 64-66) (column 8 lines 23-25) (Fig. 3 element

30,31,32,33)

10. As per claim 6, Chao teaches a method of claim 1 wherein a predetermined event is a network event (column 6 lines 57-59).

11. As per claim 7, Chao teaches a method of claim 1 wherein a predetermined event is a user-initiated-action event (column 6 lines 57-58).

12. As per claim 8, Chao teaches a method of claim 1 wherein a predetermined event is a change in topology within the distributed data processing system (column 6 lines 59-61).

13. As per claim 9, an apparatus for management of a distributed data processing system, the apparatus comprising:

- means for monitoring resources (column 4 line11) within the distributed data processing system;(column 4 lines 7-15).

-means for recording topology information associated with the resources in response to detecting a predetermined event (column 6 lines 55-61) (column 6 lines 35-39); and

-means for displaying a topology map representing topological information for the resources in accordance with a specified temporal constraint (column 5 lines 46-50) in response to a user request to view historical topology information associated with a specified period of time or associated with a specified previous point in time (column 7 lines 64-66).

14. As per claim 10, it is teaches the same limitation as described in claim 2, therefore it is rejected under same basis.

15. As per claim 11, it is teaches the same limitation as described in claim 3,

therefore it is rejected under same basis.

16. As per claim 12, it is teaches the same limitation as described in claim 4,

therefore it is rejected under same basis.

17. As per claim 13, it is teaches the same limitation as described in claim 5,

therefore it is rejected under same basis.

18. As per claim 14, it is teaches the same limitation as described in claim 6

therefore it is rejected under same basis.

19. As per claim 15, it is teaches the same limitation as described in claim 7,

therefore it is rejected under same basis.

20. As per claim 16, it is teaches the same limitation as described in claim 8,

therefore it is rejected under same basis.

21. As per claim 17, Chao teaches a computer program product on a computer

readable medium (column 3 lines 30-32) for use within a distributed data processing

system for managing the distributed data processing system, the computer program

product comprising:

- instructions for monitoring resources (column 4 line11) within the distributed

data processing system;(column 4 lines 7-15).

-instructions for recording topology information associated with the resources in

response to detecting a predetermined event (column 6 lines 55-61) (column 6 lines 35-

39); and

-instructions for displaying a topology map representing topological information

for the resources in accordance with a specified temporal constraint (column 5 lines 46-

50) in response to a user request to view historical topology information associated with

a specified period of time or associated with a specified previous point in time (column 7

lines 64-66).

22. As per claim 18, it is teaches the same limitation as described in claim 2,

therefore it is rejected under same basis.

23. As per claim 19, it is teaches the same limitation as described in claim 3,

therefore it is rejected under same basis.

24. As per claim 20, it is teaches the same limitation as described in claim 4,

therefore it is rejected under same basis.

25. As per claim 21, it is teaches the same limitation as described in claim 5,

therefore it is rejected under same basis.

26. As per claim 22, it is teaches the same limitation as described in claim 6,

therefore it is rejected under same basis.

27. As per claim 23, it is teaches the same limitation as described in claim 7,

therefore it is rejected under same basis.

28. As per claim 24, it is teaches the same limitation as described in claim 8,

therefore it is rejected under same basis.

Conclusion

29. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

30. A shortened statutory period for response to this action is set to expire **3 (three)**

months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

31.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A Patel whose telephone number is 703-305-0457. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 703-305-6687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FRANTZ B. JEAN
PRIMARY EXAMINER

DAP